UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
C.A. NO. ______________

ROBERT HARRIS, NICHOLAS VEGA, MARK COMPTON, DAMIAN HEMINGWAY, CHRISTOPHER BRASWELL, and JOHN WESLEY GIBBS,	)
Plaintiffs,	)
v.	)
HHGREGG, INC., GREGG APPLIANCES, INC. AND COLE HH GREENSBORO, NC, LLC,	)
Defendants.	)

NOTICE OF REMOVAL

NOW COME hhgregg, Inc., Gregg Appliances, Inc., and Cole HH Greensboro, NC, LLC (collectively, the "Defendants"), reserving all defenses and objections, and remove the civil action captioned *Robert Harris, Nicholas Vega, Mark Compton, Damian Hemingway, Christopher Braswell, and John Wesley Gibbs v. HHGregg, Inc., Gregg Appliances, Inc. and Cole HH Greensboro, NC, LLC*, filed in the Superior Court Division of the General Court of Justice of Guilford County, North Carolina, to the United States District Court for the Middle District of North Carolina, and state as follows:

1. hhgregg, Inc. is a Delaware corporation with its corporate headquarters and principal place of business in Indiana.

2. Gregg Appliances, Inc. is an Indiana corporation with its corporate headquarters and principal place of business in Indiana.

3. The third named defendant, Cole HH Greensboro, NC, LLC ("Cole"), is a limited liability company ("LLC"). The citizenship of a LLC is the citizenship of its member(s). Central West Virginia Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011). Cole has a single member, Cole REIT III Operating Partnership, L.P, a Delaware limited partnership with its principal place of business in Arizona. The citizenship of a partnership is the citizenship of its partners. Carden v. Arkoma Associates, 494 U.S. 185 (1990). Cole REIT III Operating Partnership, L.P. is owned by two partners, Cole Credit Property Trust III, Inc. (a Maryland corporation with its principal place of business in Arizona), and Cole REIT Advisors III, LLC. Cole REIT Advisors III, LLC has one member, Equity Fund Advisors, Inc., which is incorporated in and has its principal place of business in Arizona. Thus, Cole is a citizen of Maryland and/or Arizona, not a citizen of North Carolina for purposes of diversity and removal jurisdiction.

4. Plaintiffs allege in their Complaint that they are each citizens of North Carolina.

5. On August 31, 2011, Plaintiffs filed a civil action against Defendants in the General Court of Justice, Superior Court Division, Guilford County, North Carolina, Case No. 11 CVS 9457.

6. On September 1, 2011, the Summons, Complaint and Plaintiffs' First Set of Discovery Requests were served by certified mail upon Cole HH Greensboro, NC, LLC.

7. On September 2, 2011, the Summons, Complaint and Plaintiffs' First Set of Discovery Requests were served by certified mail upon Gregg Appliances, Inc.

8. On September 6, 2011, the Summons, Complaint and Plaintiffs' First Set of Discovery Requests were served by certified mail upon hhgregg, Inc.

9. A true and accurate copy of the Summons, Complaint, and Plaintiffs' First Set of Discovery Requests in this action are attached hereto as **Exhibit A**.

10. The Complaint asserts causes of action against Defendants under the North Carolina Retaliatory Employment Discrimination Act ("REDA"), N.C. Gen. St. § 95-241(a)(1)(b), and the North Carolina Wage and Hour Act. Plaintiffs seek damages in an amount greater than $10,000.00 for their REDA claim and an amount greater than $5,000 for their lost wages under the North Carolina Wage and Hour Act. Plaintiffs further seek treble damages under their REDA claim and attorneys' fees. Thus, the amount in controversy in this case exceeds $75,000, exclusive of interest and costs.

11. By way of agreement reached on September 30, 2011, Plaintiffs' counsel has agreed to dismiss Defendant Cole HH Greensboro, NC, LLC from the lawsuit. Cole HH Greensboro, NC, LLC is the owner of the property upon which Plaintiffs worked. Plaintiffs do not allege in their Complaint that Cole HH Greensboro, NC, LLC was their employer. Accordingly, there is no possibility that Plaintiffs have a cause of action against Cole HH Greensboro, NC, LLC. The parties will stipulate as to the dismissal of Cole HH Greensboro, NC, LLC from this action.

12. The Court has original diversity jurisdiction pursuant to 28 U.S.C. §1332(a). Specifically, Plaintiffs are citizens of North Carolina, and Defendant hhgregg, Inc. is a citizen of Delaware and Indiana, Defendant Gregg Appliances, Inc. is a citizen of Indiana, and Defendant Cole HH Greensboro, NC, LLC is a citizen of Maryland and

Arizona. The parties are diverse as required by 28 U.S.C. § 1332(a)(2). Further, Plaintiffs seek to recover an amount in excess of $75,000 in the matter and thus the amount in controversy exceeds $75,000, exclusive of interest and costs, and meets the requirements of 28 U.S.C. § 1332(a).

13. Defendants timely file this Notice of Removal within thirty (30) days after Defendants were served with copies of the Summons and Complaint pursuant to 28 U.S.C. § 1446(b).

14. There is complete diversity among the parties, and removal is proper under 28 U.S.C. §1332(a)(1).

15. The United States District Court for the Middle District of North Carolina is the District Court of the United States for the district and division embracing Guilford County, North Carolina. 28 U.S.C. § 113(b). Thus, this Court is the proper venue for this action pursuant to 28 U.S.C. § 1441(a) and § 1446(a).

16. Contemporaneous with the filing of this Notice of Removal, a written notice is being sent to counsel for Plaintiffs as provided by 28 U.S.C. § 1446(d).

17. Defendants state that a true and correct copy of this Notice of Removal will be filed with the Clerk of Court for the Superior Court of Guilford County, North Carolina, and that Defendants are filing a removal notice with the Clerk of Court for the Superior Court of Guilford County, attached as **Exhibit B** as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully request this civil action be removed to the United States District Court for the Middle District of North Carolina and that the Court enter such other relief as is just and proper.

This is the 30th day of September, 2011.

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company

/s/ Richard L. Rainey
Richard L. Rainey
N.C. State Bar No. 14278
Womble Carlyle Sandridge & Rice, PLLC
One Wells Fargo Center
Suite 3500
301 South College Street
Charlotte, NC 28202-6025
Phone: (704) 331-4967
Facsimile: (704) 338-7835
Email: rrainey@wcsr.com

/s/ Jillian M. Benson
Jillian M. Benson
N.C. State Bar No. 37596
Womble Carlyle Sandridge & Rice, PLLC
300 N. Greene Street
Suite 1900
Greensboro, NC 27402
Phone: (336) 574-8095
Facsimile: (336) 574-4520
Email: jibenson@wcsr.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this day, Defendants' foregoing Notice of Removal was electronically filed with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed the document to the following person(s), by placing a copy of the same in the United States Mail, properly addressed and with the correct amount of postage affixed thereto:

Thomas B. Kobrin
333 North Greene Street, Suite 404-A
Greensboro, NC 27401
Email: tkobrin@kobrinlegal.com

Laurie R. Stegall
OXNER THOMAS + PERMAR, PLLC
1155 Revolution Mill Drive, Studio 4
Greensboro, NC 27405
Email: lstegall@otplaw.com

This is the 30th day of September, 2011.

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company

/s/ Jillian M. Benson
Jillian M. Benson
N.C. State Bar No. 37596
300 N. Greene Street
Suite 1900
Greensboro, NC 27401
Telephone: (336) 574-8095
Facsimile: (336) 574-4563
Email: jjbenson@wcsr.com